

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's own motion to determine the  
impact on public benefits associated with the  
expiration of ratepayer charges  
Pursuant to Public Utilities Code Section 99.8.

Rulemaking 11-10-003  
(Filed October 6, 2011)

**DECISION GRANTING COMPENSATION TO THE NATIONAL ASIAN  
AMERICAN COALITION AND LATINO BUSINESS CHAMBER OF  
GREATER LOS ANGELES FOR SUBSTANTIAL  
CONTRIBUTION TO DECISION 12-05-037**

<b>Intervenor: Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater L.A. (Joint Parties)</b>	<b>For contribution to Decision (D.) 12-05-037</b>
<b>Claimed (\$): \$24,521.75</b>	<b>Awarded (\$): \$18,668.25 (reduced 23.9%)</b>
<b>Assigned Commissioner: Michael Picker</b>	<b>Assigned ALJ: David M. Gamson</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	D.12-05-037 is the Phase 2 Decision establishing the Electric Program Investment Charge (EPIC) program. This decision establishes parameters for the program, including guiding principles, program governance and process, areas for investment, funding and budget issues, and other issues.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	October 13, 2011	A prehearing conference (PHC) was not held for Phase 2.
2. Other Specified Date for NOI:	November 14, 2011	When a PHC is not held, in absence of specific guidance regarding the date of filing, NOI can be filed any time after the start of the proceeding until 30 days after the time for filing responsive pleadings
3. Date NOI Filed:	Please see Comment below.	With the permission of the assigned ALJ, the late-filed NOI was accepted as filed on November 14, 2011.
4. Was the NOI timely filed?		Yes. See Comment #1 below.
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.10-11-015	Verified
6. Date of ALJ ruling:	July 8, 2011	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		

9. Based on ALJ ruling issued in proceeding number:	Please see Comment below.	See Comment #2 below
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes. (See Comment #2 below.)
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.12-05-037	Verified
14. Date of Issuance of Final Order or Decision:	May 31, 2012	Verified
15. File date of compensation request:	July 27, 2012	Verified
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I:**

#	Intervenor's Comment(s)	CPUC Discussion
1	<p><b>Note on NOI's Status in the Docket Card</b></p> <p>Upon conducting preliminary research into this intervenor compensation request, the Joint Parties were surprised to note the absence of their NOI in the official docket in this matter, which was originally filed November 14, 2011.</p> <p>Upon research with the docket office, the Joint Parties discovered that their original NOI filing had never been officially accepted by this Commission due to procedural infirmities with the docket office. This is due to the fact that the initial filing was rejected and had to be re-submitted. This document was re-submitted on December 19, 2011, but lacked the certificate of service included in the original filing. Thus, it was rejected again. This secondary issue was never remedied and was only discovered by the Joint Parties while preparing this request.</p> <p>It is currently the Joint Parties' understanding that this NOI was sent to the intervenor compensation coordinator, the ALJ, and served on all parties in this matter, possibly twice. The person responsible for this matter is a law student who works part-time in the offices of the Joint Parties. He is unavailable due to the fact he is currently sitting for the California Bar Exam. Once the Joint Parties are able to verify the Docket Office's information with their part-time volunteer, the Joint Parties will immediately either, through a motion or through another formal channel, seek to remedy this minor procedural situation with this Commission.</p>	

<p>The Joint Parties are submitting this claim in a timely fashion in order to discourage further confusion in the record. The Joint Parties hope to address this NOI issue as soon as possible.</p> <p>Pursuant to their motion of August 12, 2012, Joint Parties received permission from the assigned ALJ on August 14, 2012 to late-file their NOI. The NOI was accepted as being timely filed on November 14, 2011.</p>	
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**Regarding Showing of Significant Financial Hardship**

In filing the NOI, the Joint Parties mistakenly believed ALJ Darling's July 8, 2011 ruling in A.10-11-015 finding customer status also found the parties had established significant financial hardship. Thus, ALJ Darling's ruling was wrongfully cited in the NOI.

The Joint Parties remedied this issue as soon as possible and received a ruling of significant financial hardship on **March 9, 2012** from **ALJ Hymes** in **A.11-11-017**. Since hardship rules indicate that this finding must be established within a year of the commencement of the current proceeding, we now include a demonstration of significant financial hardship under Cal. Pub. Util. Code § 1802(g).

Pursuant to Rule 1802(g), the Joint Parties are including its showing of significant financial hardship to this request. Under the Commission's Intervenor Compensation Guide, the Joint Parties, as a Category 3 customer, must demonstrate that they meet the comparison test to establish "significant financial hardship." The comparison test requires that the economic interest of the individual members of the organization must be small in comparison to the costs of effective participation in the proceedings.

The cost of the Joint Parties' participation in the CPUC proceedings, which in this proceeding is \$24,521.75 substantially outweighs the benefits to the individual members and small businesses the Joint Parties represent. All three parties are 501(c)(3) organizations with dedicated staff and volunteers. The intervenors' constituents are minority small business owners, as well low-income ratepayers in communities of color. In this proceeding, in addition to the possible rates involved, the Joint Parties' participation is concerned with workforce development, energy efficient technologies being made available to low-income communities, increasing stakeholder engagement, producing benefits to electricity ratepayers, and customer outreach and education. This will impact ratepayers to varying amounts depending on the project scope and will be assessed to ratepayers in other pending and future proceedings. Accordingly, these economic interests are small relative to the costs of participation. It is unlikely that the Joint Parties' constituents will see financial benefits that exceed their cost of intervention.

**Showing of Customer of Customer-Related Status**

Public Utilities Code § 1804(a)(2)(B) allows an intervenor to make a showing of significant financial hardship in its NOI or, alternatively, to include this showing in the request for compensation. Joint Parties' November 14, 2011 NOI (November 14 NOI) filed in this proceeding did not seek a finding of significant financial hardship but instead erroneously asserted that the July 8, 2011 ruling in A.10-11-015 (July 8 Ruling) created a rebuttable presumption of eligibility for compensation in this proceeding. As a result, no finding of significant financial hardship was made.

Joint Parties' instant showing of financial hardship is inadequate because Joint Parties do not demonstrate that the economic interest of the individual members of their organizations is small in comparison to the costs of effective participation in this proceeding (i.e., there is no quantitative showing addressing the costs or benefits of participation to the individual members of the organizations).

Joint Parties assert, alternatively, that the March 9, 2012 ruling in A.11-11-017 (March 9 Ruling) created a rebuttable presumption of eligibility for compensation in this proceeding. However, Joint Parties' February 6, 2012 NOI filed in A.11-11-017 also erroneously relied on the July 8 Ruling to support the claim of significant financial hardship, and the March 9 Ruling relied on Joint Parties' erroneous representation of the July 8 Ruling.

The July 8 Ruling directed Joint Parties to submit signed amended bylaws when the Joint Parties file a request for intervenor compensation. On May 12, 2014, the LBCGLA submitted signed bylaws, meeting the requirements of § 1802(b)(1) for a finding of eligibility as a Category 3 customer. On May 16, 2014, the NAAC submitted signed amendments to its bylaws, meeting the requirements of § 1802(b)(1) for a finding of eligibility as a Category 3 customer. The BEC does not have signed bylaws on file with the Commission and has not satisfied the requirements of Public Utilities Code § 1802(b)(1) for a finding of eligibility as a Category 3 customer.

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. In the fields below, describe in a concise manner Intervenor’s contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059).**

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p>1. The Joint Parties contributed to the Commission’s inclusion of LEDs as a specific technology that is eligible for funding both through EPIC and through the energy efficiency emerging technologies programs authorized in the energy efficiency portfolios.</p>	<ul style="list-style-type: none"> <li>• D.12-05-037; at 33, 38, 48, 82-83.</li> <li>• JP Opening Cmts; at 6-7.</li> <li>• JP Reply Cmts; at 3-5.</li> <li>• JP Cmts on PD; at 4.</li> </ul>	<p>Although Joint Parties recommended inclusion of LEDs as a technology for funding, such technology-specific recommendations were not in the scope of this proceeding. D.12-05-037 states: “In addition, we note that although we do not specifically call out the importance of LED lighting technologies in this decision as distinct from the many other energy efficiency or clean energy technologies, LEDs remain eligible for funding both here and in the energy efficiency emerging technologies programs authorized in the energy efficiency portfolios of the utilities.” (D.12-05-037 at 82.)</p>
<p>2. The Joint Parties contributed to the Commission’s conclusions that generalized outreach and education is not desirable. However, outreach and education targeted towards specific populations, such as minority communities, may be worthy of funding.</p>	<ul style="list-style-type: none"> <li>• D.12-05-037; at 60, 61, 93.</li> <li>• JP Opening Cmts; at 6-7.</li> <li>• JP Reply Cmts; at. 5-6.</li> </ul>	<p>Yes</p>

<p>3. The Joint Parties contributed to the Commission's conclusion that workforce development is consistent with the goals of EPIC and provide benefits to electric ratepayers by ensuring that other activities are successful.</p>	<ul style="list-style-type: none"> <li>• D 12-05-037; at 60-61, 82.</li> <li>• JP Opening Cmts; at 3-5.</li> <li>• JP Reply Cmts; p.5.</li> <li>• JP Cmts on PD; at 4.</li> <li>• JP Reply Cmts on PD; at 2.</li> </ul>	<p>Yes. D.12-05-037 states: "The joint comments of the Black Economic Council, Latino Business Chamber of Greater LA, and the National Asian American Coalition, suggest that we should increase the amount of annual funding allocated for workforce training from an initial estimate of \$2 million to \$14 million (Footnote omitted). While we do not make this change immediately, we note that the exact funding allocations to various activities will be proposed by the administrators in the triennial investment plans. Should the CEC develop additional activities and plans beyond the initial \$2 million annual allocation, we can consider those proposals in the investment plan.</p> <p>(D.12-05-037 at 82.)</p>
<p>4. The Joint Parties contributed to the Commission's conclusion that the EPIC administrators should consult with interested stakeholders no less than twice a year. The Joint Parties also contributed to the Commission's encouragement of meaningful and frequent stakeholder consultations.</p>	<ul style="list-style-type: none"> <li>• D.12-05-037; at 77, 98.</li> <li>• JP Reply Cmts; at 6.</li> <li>• JP Cmts on PD; at.3.</li> <li>• JP Reply Cmts on PD; at 5.</li> </ul>	<p>Yes.</p>
<p>5. The Joint Parties supported and bolstered the Commission's finding that programs must produce ratepayer benefit.</p>	<ul style="list-style-type: none"> <li>• D. 12-05-037; at 89.</li> <li>• JP Reply Cmts; at 1.</li> <li>• JP Cmts on PD; at 2.</li> </ul>	<p>Yes.</p>

6. The Joint Parties support and bolstered the Commission's conclusion that the EPIC funds should be adjusted during each three-year investment plan cycle based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).	<ul style="list-style-type: none"> <li>• D. 12-05-037; at 63-64.</li> <li>• JP Reply Cmts on PD; at 3-4.</li> </ul>	Yes.
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	Intervenor	CPUC Verified
<b>a. Was the Office of Ratepayer Advocates (ORA)<sup>1</sup> a party to the proceeding?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Verified
<b>c. If so, provide name of other parties:</b>  The Greenlining Institute typically represents minorities and low-income ratepayers. The Greenlining Institute may have had some potential overlap in issue areas. However, Greenlining was mostly inactive in this proceeding.		Several other parties were active in this proceeding, including Union of Concerned Scientists, TURN, Consumer Federation of California, and many others.
<b>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</b>  The major issues examined by the Joint Parties were minority and low-income issues, no other active participating intervenor addressed those issues from the Joint Parties' grassroots perspective.  Although some parties may have taken similar positions to the Joint Parties, in accordance with § 1802.5, the work of the Joint Parties materially supplements, complements, or contributes to the presentation of the other party. For example, although various parties made comments on stakeholder consultation, the Joint		Yes

<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

Parties approached this issue from a minority and grassroots perspective: they made the recommendation to engage with community-based organizations and minority stakeholders. Thus, the parties' positions may have overlapped by the participation of the Joint Parties supplemented the work of other parties.	
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### PART III: REASONABLENESS OF REQUESTED COMPENSATION

#### A. General Claim of Reasonableness (§§ 1801 & 1806):

##### a. Intervenor's claim of cost reasonableness:

The Joint Parties' request for intervenor compensation seeks an award of approximately \$24,500 as the reasonable cost of their participation in this proceeding.

The Joint Parties' advocacy reflected in D.12-05-037 addressed broad policy matters as they affect minority and low-income communities. For the most part, the Joint Parties cannot easily identify precise monetary benefits to ratepayers from their work related to D.12-05-037, given the nature of the issues presented.

However, the Joint Parties submit that their positive impact will enable the further funding of LED devices through future EPIC funding. Additionally, the Commission has favorably viewed outreach and education to specific populations, which is a determination that few other parties represented. This opportunity to receive outreach and education carries a very real benefit to minority entrepreneurs who can apply for EPIC funding in connection to their small businesses. This, in turn, would have a positive effect on many minority communities with economic investment, job creation, and poverty alleviation.

In addition, the Joint Parties encouragement of frequent stakeholder meetings may result in further economic benefit in terms of advertising opportunities and technologies amongst the utilities and minority small business community.

In that vein, the Joint Parties are particularly gratified that workforce development remains an important goal in EPIC funding. As with the other issues, it is imprecise to put this full monetary impact into concrete terms. However, it is clear that any minority small business that gains a contract from any of the EPIC funding will most likely receive a contract greater than the Joint Parties' request in this proceeding.

For all these reasons, the Commission should find that the Joint Parties' efforts have been productive.

##### CPUC Verified

Joint Parties overstate their contribution to the decision in connection with their input regarding LED devices because technology-specific recommendations are not within the scope of this proceeding. As adjusted herein, Joint Parties' claimed costs are reasonable.

**b. Reasonableness of Hours Claimed.**

This Request for Compensation includes approximately 98.1 total hours for the Joint Parties' attorneys and staff. The Joint Parties submits that this is a reasonable amount of time, given the complex issues examined, as well as the wide variety resulting in D.12-05-037. These hours were devoted to four substantive pleadings as well as some procedural matters.

The Joint Parties' request is also reasonable because they were efficient in staffing this proceeding. This proceeding was staffed primarily by a part-time law student whose rate is approximately 1/5<sup>th</sup> of Mr. Gnaizda. When Mr. Gnaizda became involved after the law student's commencement and study for the bar exam, Mr. Gnaizda handled the issues efficiently and relied on Ms. Swaroop for minor matters of review, editing, and filing and serving documents with this Commission and the service list. Attorney and expert hours account for 36.1 hours in this request. The remainder of the hours are distributed amongst Mr. Lewis and support staff.

Mr. Lewis' 56.1 hours are reasonable given his status as a part-time volunteer and full-time law student. He has been volunteering with the Joint Parties since the Summer of 2009 and is familiar with many of the issues presented. Although it is possible that Mr. Gnaizda could have conducted some similar work to Mr. Lewis in less time, Mr. Gnaizda's rate is five times that of Mr. Lewis. Thus, Mr. Lewis' hours are monetarily extremely efficient.

The Joint Parties' request also includes 10.5 hours devoted to the preparation of this request for compensation. Ms. Swaroop has spent 21 hours preparing this claim, which is somewhat higher usually expected for the CPUC. This is explained by a number of factors involved in this case.

First, Mr. Lewis was primarily responsible for this matter and he is currently unavailable due to his studying and participating in the California Bar Exam. Thus, Ms. Swaroop was unfamiliar with the case and spent a substantial amount of time reviewing the Joint Parties' filings and the final decision.

Second, this is the first claim for intervenor compensation that Ms. Swaroop has prepared, and thus, much time was spent creating templates and becoming familiar with the Commission's requirements for each point of information in this filing.

Third, Ms. Swaroop, through her review of filings, realized that the Joint Parties' NOI was missing from the official docket of the proceeding and had to engage in repeated contact with the CPUC Docket Office in order to properly ascertain the issue.

Therefore, Ms. Swaroop's 21 hours were cut in half to reflect these issues. The total hours requested for her claim preparation is 10.5 to reflect these adjustments.

With the adjustments and disallowances we discuss below, we find that the hours compensated are reasonable. We deduct hours spent on LED research and hours spent preparing and filing the defective NOI. In addition, we disallow hours claimed for Paralegal Delapena, whose work on comments to the proposed decision is duplicative of Swaroop's.

c. Allocation of Hours by Issue		Yes
A. The Joint Parties contributed to the Commission's inclusion of LEDs as a specific technology that is eligible for funding both through EPIC and through the energy efficiency emerging technologies programs authorized in the energy efficiency portfolios.	36.4%	
B. The Joint Parties contributed to the Commission's conclusions that generalized outreach and education is not desirable. However, outreach and education targeted towards specific populations, such as minority communities, may be worthy of funding.	9.9%	
C. The Joint Parties contributed to the Commission's conclusion that workforce development is consistent with the goals of EPIC and provide benefits to electric ratepayers by ensuring that other activities are successful.	15.8%	
D. The Joint Parties contributed to the Commission's conclusion that the EPIC administrators should consult with interested stakeholders no less than twice a year. The Joint Parties also contributed to the Commission's encouragement of meaningful and frequent stakeholder consultations.	7.8%	
E. The Joint Parties supported and bolstered the Commission's finding that programs must produce ratepayer benefit.	2.3%	
F. The Joint Parties support and bolstered the Commission's conclusion that the EPIC funds should be adjusted during each three-year investment plan cycle based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).	.6%	
G. General/Multiple Issues	27.1%	

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Robert Gnaizda	2011	1.3	\$535	D.12-07-015	\$695.50	1.3	\$535	\$695.50
Robert Gnazida	2012	26.9	\$535	D.12-07-015	\$14,391.50	22.4	\$545	\$12,208
Shalini Swaroop	2012	5.9	\$215	See Attachment C Below	\$1,268.50	5.9	\$185	\$1,091.50
Faith	2011	0.5	\$150	D.12-07-015	\$75.00	0.5	\$150	\$75.00

Bautista								
Faith Bautista	2012	0.2	\$150	D.12-07-015	\$30.00	0.2	\$155	\$31.00
Len Canty	2011	0.5	\$150	D.12-07-015	\$75.00	0.5	\$150	\$75.00
Len Canty	2012	0.2	\$150	D.12-07-015	\$30.00	0.2	\$155	\$31.00
Jorge Corralejo	2011	0.5	\$150	D.12-07-015	\$75.00	0.5	\$150	\$75.00
Jorge Corralejo	2012	0.2	\$150	D.12-07-015	\$30.00	0.2	\$155	\$31.00
	Subtotal:				\$16,617.00	Subtotal:		\$ 14,313.00
OTHER FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Aaron Lewis	2011	30	\$110	See Comment 1 Below	\$3,300	11.5	\$90	\$1,035.00
Aaron Lewis	2012	26.1	\$110	See Comment 1 Below	\$2,871	26.1	\$90	\$2,349.00
Idelle Delapena	2012	5.8	\$100	See Attachment B Below	\$580	0	Rate not set	\$0
	Subtotal:				\$6,751	Subtotal:		\$ 3,384.00
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Shalini Swaroop	2012	10.5	\$107.50	See Attachment C	\$1,128.75	10.5	\$92.50	\$971.25
	Subtotal:				\$1,128.75	Subtotal:		\$971.25
COSTS								
#	Item	Detail			Amount	Amount		
	Printing	Printing costs for the staff proposal, internal drafts of comments, and printing other parties' comments			\$25.00	Not compensated		\$0
Subtotal:					\$25.00	Subtotal:		\$0.00
TOTAL REQUEST \$:					\$24,521.75	TOTAL AWARD \$:		\$18,668.25

\* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The

records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

\*\* Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR <sup>2</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Robert Gnaidza	January 9, 1962	32148	No
Shalini Swaroop	June 11, 2010	270609	No
Aaron Lewis	December 5, 2012	285526	No

**C. Attachments Documenting Specific Claim and Comments on Part III:**

Attachment or Comment #	Description/Comment
Attachment A	<b>Time Recording for Attorneys, Experts, and Staff</b>
Attachment B	<b>2012 Hourly Rate for Paralegal Idelle Delapena</b>
Attachment C	<b>2012 Hourly Rate for Senior Staff Attorney Shalini Swaroop</b>
Comment 1	<p><b>2011 and 2012 Rate for Law Student Aaron Lewis</b></p> <p>In D.12-07-015, Aaron Lewis was awarded a compensation rate of \$90 per hour for work performed just after his first year of law school. Since that time, Mr. Lewis has spent one summer working for the Hon. Thelton Henderson at the federal court for the Northern District of California. In addition, Mr. Lewis has volunteered for the Joint Parties during both his last two academic years as a law student at the University of California at Hastings. Thus, he is now a much more experienced advocate.</p> <p>Of particular note is that law students that have been rewarded a compensation rate of \$110 per hour (D.12-04-042) or \$100 per hour (D.11-03-025) were simultaneously receiving academic credits at law school for their work before the CPUC. Mr. Lewis can make no such claim. Intervenor compensation before this Commission is his only opportunity for remuneration for his substantial work performed in this matter.</p>
Attachment 1	<b>Certificate of Service</b>

<sup>2</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

**D. CPUC Disallowances and Adjustments:**

#	Reason
1. Adoption of Robert Gnaizda's hourly rate(s).	Joint Parties seek an hourly rate of \$535 for Gnaizda's work in 2011 and an hourly rate of \$545 for Gnaizda's work in 2012. The Commission adopted a 2010 and 2011 hourly rate for Gnaizda of \$535 in D.12-07-015. We apply these rates here. We apply the 2.2% Cost-Of-Living-Adjustment (COLA) adopted by the Commission in Resolution ALJ-281 to adopt an hourly rate of \$545 for Gnaizda's 2012 work in this proceeding.
2. Adoption of Shalini Swaroop's hourly rate(s).	Joint Parties seek the rate of \$215 2012 for work Swaroop completed in this proceeding. The Commission does not have a pre-established hourly rate for Swaroop's work in Commission proceedings. As such, the Commission defers to Resolution ALJ-281 in establishing an hourly rate reflective of Swaroop's experience. Swaroop became a licensed attorney in June 2010 and had approximately two-years of experience when she began working on this proceeding. Resolution ALJ-281 sets 2012 attorney hourly rates with 0-2 years \$155-\$210 per hour. Swaroop's experience coupled with ALJ-281's guidelines supports the Commission's adoption of Swaroop's 2012 hourly rate of \$185.
3. Adoption of Faith Bautista's hourly rate(s).	Consistent with D.12-07-015, we award Bautista the requested hourly rate of \$150 for 2011. We apply the 2.2% COLA adopted by the Commission in Resolution ALJ-281 to adopt an hourly rate of \$155 for Bautista in 2012.
4. Adoption of Len Canty's hourly rate(s).	Consistent with D.12-07-015, we award Canty the requested hourly rate of \$150 for 2011. We apply the 2.2% COLA adopted by the Commission in Resolution ALJ-281 to adopt an hourly rate of \$155 for Canty in 2012.
5. Adoption of Jorge Corralejo's hourly rate(s).	Consistent with D.12-07-015, we award Corralejo the requested hourly rate of \$150 for 2011. We apply the 2.2% COLA adopted by the Commission in Resolution ALJ-281 to adopt an hourly rate of \$155 for Corralejo in 2012.
6. Adoption of Aaron Lewis' hourly rate(s).	Consistent with D.12-07-015, we adopt an hourly rate of \$90 for Lewis for both 2011 and 2012. This includes the requisite COLA for 2012, as set forth in Resolution ALJ-281.

7. Hourly rate of Idelle Delapena.	We do not set an hourly rate for Delapena. Her work is duplicative of that of Swaroop and Lewis.
8. Disallowance for Research on LED technologies	Joint Parties claimed that 36.4% of their hours were spent on funding for LED devices. Funding for specific technologies was not included in the scope of this proceeding. We have disallowed 17.6 hours, (17.9% of claimed hours) for research into LED and alternative energy technologies.
9. Disallowance for certain hours related to preparing and filing NOI	Joint Parties preparation and filing of the NOI was inefficient and defective. Lewis claimed 8.9 hours to prepare, draft, file and serve, and attempt to correct the filing defects. The NOI remained defective, requiring intervention by the assigned ALJ. We disallow 3.9 of these hours as excessive.
10. Disallowance for printing costs	No receipts were included (required for claims over \$20) and we find that printing costs are included in overhead.

#### PART IV: OPPOSITIONS AND COMMENTS

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?</b>	Yes

#### FINDINGS OF FACT

1. Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles (together, Joint Parties) made a substantial contribution to Decision 12-05-037.
2. On May 12, 2014, Latino Business Chamber of Greater Los Angeles submitted signed bylaws completing the statutory requirements of § 1802(b)(1) and establishing eligibility as a Category 3 customer.
3. On May 16, 2014, National Asian American Coalition submitted signed bylaws completing the statutory requirements of § 1802(b)(1) and establishing eligibility as a Category 3 customer.

4. Black Economic Council does not have signed amended bylaws with the Commission and has not established customer eligibility under §1802(b)(1).
5. The requested hourly rates for Joint Parties' representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
6. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
7. The total of reasonable compensation is \$18,668.25.

### **CONCLUSION OF LAW**

1. The Claim, as adjusted herein, satisfies all requirements of Public Utilities Code §§ 1801-1812.

### **ORDER**

1. National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles is awarded \$18,668.25
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay National Asian American Coalition and Latino Business Chamber of Greater Los Angeles, the award. We direct Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company to allocate payment responsibility among themselves, based on their respective electric and gas revenues for the 2012 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 30, 2014, the 75<sup>th</sup> day after the filing of the complete request, and continuing until full payment is made.

3. The comment period for today's decision waived.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1205037		
<b>Proceeding(s):</b>	R1110003		
	ALJ Gamson		
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Black Economic Council, National Asian American Coalition, Latino Business Chamber of Greater Los Angeles (Joint Parties)	07/27/2013  Date of Claim's completion, May 16, 2014	\$24,521.75	\$18,668.25	N/A	Reduced compensation for issue not in scope of proceeding, disallowance for hours preparing and filing NOI, adjusted hourly rates, disallowance for duplicative work

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Robert	Gnaidza	Attorney	Joint Parties	\$535	2011	\$535
Robert	Gnaidza	Attorney	Joint Parties	\$535	2012	\$545
Shalini	Swaroop	Attorney	Joint Parties	\$235	2012	\$185
Faith	Bautista	Advocate	Joint Parties	\$150	2011	\$150
Faith	Bautista	Advocate	Joint Parties	\$150	2012	\$155
Len	Canty	Advocate	Joint Parties	\$150	2011	\$150

Len	Canty	Advocate	Joint Parties	\$150	2012	\$155
Jorge	Corralejo	Advocate	Joint Parties	\$150	2011	\$150
Jorge	Corralejo	Advocate	Joint Parties	\$150	2012	\$155
Aaron	Lewis	Law Clerk	Joint Parties	\$90	2011	\$90
Aaron	Lewis	Law Clerk	Joint Parties	\$90	2012	\$90
Idelle	Delapena	Paralegal	Joint Parties	\$110	2012	No rate set

**(END OF APPENDIX)**